

Message Text

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ACTION IO-14

INFO OCT-01 EA-11 ISO-00 INT-08 CIAE-00 DODE-00 PM-07 H-03

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P R 120930Z JUN 74

FM AMEMBASSY TOKYO

TO HICOMTERPACIS SAIPAN MARIANAS ISLANDS PRIORITY

INFO SECSTATE WASHDC 2559

USARBCO MACHINATO//TTPI-LNO

UNCLAS SECTION 1 OF 2 TOKYO 7731/1

STATE PASS INTERIOR FOR DOTA AND OSN

HICOM ALSO FOR STATUS LNO

E.O. 11652: N/A

TAGS: EAID, JA, TQ

SUBJECT: MICRONESIA CLAIMS AGREEMENT

REF: A. TTPI 377 B. TOKYO 7114

SUMMARY. FOLLOWING RECEIPT REFTEL A, EMBOFF DISCUSSED IMPLEMENTATION OF AGREEMENT WITH FONOFF REP. FONOFF REQUESTS A) NAME OF TTPI OFFICIAL TO WHOM INQUIRIES RE LIST OF PRODUCTS AND SERVICES COULD BE REFERRED, B) SAMPLE TTPI CONTRACT FORM REVISED TO INCLUDE AGREED CHANGES AND STIPULATIONS RE SHIPPING, IF AVAILABLE, AND C) SAMPLE OF PROCUREMENT OFFICER'S SIGNATURE. RE ADVICE OF COMPLETION OF CONTRACT WITH UNUTILIZED BALANCE, FONOFF, BASED ON EXPERIENCE, FORESEES NO PROBLEMS IN OBTAINING CONTRACTOR'S WRITTEN CONSENT AND REQUESTS ORIGINAL WORDING IN DRAFT PROCEDURES BE RETAINED. ACTION REQUESTED: HICOM RESPONSE TO QUESTIONS POSED BELOW. END SUMMARY.

1. ON JUNE 11 EMBOFF MET SASAKI OF FONOFF TO DISCUSS

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IMPLEMENTATION OF AGREEMENT. EMBOFF CONVEYED INFO

CONTAINED REF A PARAS 1 A AND B, FOR WHICH SASAKI EXPRESSED HIS APPRECIATION.

2. RE LIST OF PRODUCTS AND SERVICES, SASAKI SAID FONOFF WOULD PREFER TO REFER TO TTPI ANY INQUIRIES FONOFF MAY RECEIVED CONCERNING LIST. THUS, FONOFF WOULD APPRECIATE NAME, TITLE, AND ADDRESS OF PERSON TO WHOM SUCH INQUIRIES COULD BE REFERRED.

3. RE REQUEST FOR CONFIRMATION OF CONTRACTS (APPENDIX 1 OF FONOFF DRAFT PROCEDURES; REFTEL A PARA 3):

A) SASAKI SAID IT WOULD BE SATISFACTORY FOR FORM TO BE PRINTED (RATHER THAN TYPED) ON TTPI STATIONERY WITH OFFICIAL LETTERHEAD. WORDING OF FONOFF DRAFT NOW IN TTPI POSSESSION SHOULD BE FOLLOWED. SEVERAL SPACES BELOW TEXT, ON RIGHT SIDE OF FORM, PROCUREMENT OFFICER SHOULD SIGN FULL NAME, NOT RPT NOT INITIAL FORM AS INDICATED REFTEL B. IMMEDIATELY BELOW SIGNATURE HIS NAME AND TITLE SHOULD BE PRINTED ON FORM. SEVERAL SPACES LOWER, ON LEFT SIDE OF FORM, PROCUREMENT OFFICER'S LOCATION (TOKYO/OKINAWA/SAIPAN AS APPROPRIATE) AND DATE FORM IS SUBMITTED SHOULD BE INDICATED. FINALLY, SEVERAL SPACES BELOW THIS, ADDRESS TO WHICH FORM IS TO BE SENT, THAT IS, ECONOMIC COOPERATION BUREAU, ETC., SHOULD BE ENTERED.

B) SASAKI SAID SAME PROCEDURE SATISFACTORY IN CASE OF FORM AT APPENDIX 3, ADVICE OF COMPLETION OF CONTRACT WITH UNUTILIZED BALANCE, AND REQUESTED IT BE FOLLOWED.

C) RE REFTEL A PARA 3A: AS INDICATED ABOVE, LOWER LEFT CORNER OF BOTH APPENDIX 1 AND APPENDIX 3 CONTAIN BOTH I. PROCUREMENT OFFICER'S LOCATION, AND, BELOW THIS, II. ADDRESS TO WHICH FORM IS TO BE SENT. EMBASSY REGRETS REFTEL B WAS NOT MORE CLEAR ON THIS POINT.

4. RE ADVICE OF COMPLETION OF CONTRACT WITH UNUTILIZED BALANCE (APPENDIX 3 TO FONOFF DRAFT PROCEDURES):

A) FONOFF EXPLAINED TTPI POSITION PER REFTEL A AND ARGUED FOR REVISED LANGUAGE WHICH WOULD PROVIDE THAT TTPI WOULD I. USE APPENDIX 3 TO ADVISE FONOFF, II. REQUEST CONTRACTOR TO PROVIDE WRITTEN CONSENT, AND III. FORWARD UNCLASSIFIED

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WRITTEN CONSENT TO FONOFF FOLLOWING ITS RECEIPT FROM CONTRACTOR. IN RESPONSE, SASAKI SAID FONOFF NEEDS CONTRACTOR'S WRITTEN CONSENT TOGETHER WITH APPENDIX 3 TO ENSURE THAT ONLY LESSER AMOUNT (RATHER THAN ORIGINALLY CONTRACTED AMOUNT) OF FUNDS WILL ACTUALLY BE USED. FONOFF UNDERSTANDS TTPI CONCERN THAT CONTRACTOR PERFORMANCE CANNOT BE GUARANTEED BY TTPI, BUT, BASED ON FONOFF EXPERIENCE WITH JAPANESE CONTRACTORS SERVING AS SUPPLIERS

UNDER OTHER AID AGREEMENTS, FONOFF SURE CONTRACTOR WILL COMPLY WITH TTPI REQUEST TO PROVIDE WITTEN CONSENT. THUS, FONOFF REQUESTS THAT ORIGINAL WORDING OF PARA II (4) OF DRAFT PROCEDURES BE RETAINED, AND THAT APPENDIX 3 FORM AND CONTACTOR'S CONSENT BE SUBMITTED TOGETHER. FONOFF WILLING BE FLEXIBLE RE WORDS QTE WITHOUT DELAY UNQTE, THOUGH TTPI SHOULD ENDEAVOR TO FOLLOW THIS QTE GUIDELINE UNQTE. B) IN EMBASSY VIEW, FONOFF EXPLANATIONS THIS POINT CONSTITUTE ADEQUATE ASSURANCE RE TTPI CONCERNS EXPRESSED REFTEL A. IN EVENT TTPI STILL UNEASY, EMBASSY SUGGESTS APPROPRIATE STIPULATION REGARDING CONTRACTOR'S PROVISION OF WRITTEN CONSENT BE INSERTED INTO CONTRACT FORM.

5. RE CONTRACT FORM:

A) SASAKI SAID COPY OF TTPI CONTRACT FORM, REVISED TO INCLUDE AGREED CHANGES (SPECIFICALLY STIPULATIONS RE SHIPPING ARRANGEMENTS AS EXPLAINED REFTEL B PARA 3), WOULD BE USEFUL TO FONOFF IN DEALING WITH MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY. EMBASSY WOULD LIKE TO BE RESPONSIBLE TO FONOFF'S REQUEST AND WOULD APPRECIATE RECEIPT OF A REVISED CONTRACT FORM IF ONE HAS BEEN PREPARED.
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B) IF REVISED FORM NOT YET PREPARED, EMBASSY WOULD LIKE

TO BE ABLE TO CONFIRM TO SASAKI MANNER IN WHICH SHIPPING ARRANGEMENTS WILL BE DEALT WITH IN CONTRACT. EMBASSY ASSUMES THAT ON SCHEDULE OF SUPPLIES OR SERVICES CIF PRICE WOULD BE GIVEN, BROKEN DOWN INTO PRICE FOB YOKOHAMA PLUS INSURANCE AND FREIGHT TO DESTINATION. UNDER SPECIAL PROVISION NUMBER TWO, EMBASSY ASSUMES THAT CONTRACT WOULD STIPULATE DELIVERY CIF GUAM/SAIPAN/MARSHALLS AS APPROPRIATE, GIVE DATE BY WHICH SHIPMENT TO BE MADE, AND STIPULATE WHETHER SHIPMENT TO BE BY JAPANESE OR NON-JAPANESE CARRIER, UNDER SPECIAL PROVISION 6, EMBASSY ASSUMES STIPULATION WOULD BE ADDED TO EFFECT QTE HOWEVER, IN THE EVENT SHIPMENT IS BY NON-JAPANESE CARRIER, ONLY THAT PORTION OF THE AGREED PRICE (AS INDICATED HEREIN) EQUAL TO THE PRICE FOB YOKOHAMA (AS INDICATED HEREIN) SHALL BE PAID BY UNITED STATES ASSISTANT DISBURSING OFFICER CHECK DRAWN AGAINST THE SPECIAL ACCOUNT ESTABLISHED WITH THE TAIYO KOBE BANK. THE BALANCE OF THE AGREED PRICE SHALL BE PAID AS THE PARTIES TO THIS CONTRACT MAY AGREE. UNQTE. EMBASSY WOULD APPRECIATE ADVICE I. WHETHER APPROACH OUTLINED ABOVE SATISFACTORY AND II. RE WORDING TTPI PROPOSES TO USE.

6. RE PROCUREMENT OFFICER, SASAKI REQUESTED THAT SAMPLE OF PROCUREMENT OFFICER'S SIGNATURE BE SUBMITTED TO UNCLASSIFIED

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FONOFF FOR FUTURE REFERENCE. SIGNATURE ALONE, ON PLAIN WHITE PIECE OF PAPER, WOULD BE ADEQUATE FOR THIS PURPOSE.

7. ACTION REQUESTED: A) HICOM PROVIDE NAME ETC OF TTPI OFFICIAL TO WHOM INQUIRIES RE LIST COULD BE REFERRED (PARA 2 ABOVE). B) HICOM ADVISE WHETHER FONOFF REQUEST RE ADVICE OF COMPLETION OF CONTRACT WITH UTILIZED BALANCE AND CONTRACTOR'S WRITTEN CONSENT (PARA 4 ABOVE) ACCEPTABLE. C) HICOM PROVIDE SAMPLE CONTRACT OR RESPOND TO FONOFF QUESTIONS RE CONTRACT FORM (PARA 5 ABOVE). D) HICOM PROVIDE SPECIMEN OF PROCUREMENT OFFICER'S SIGNATURE FOR TRANSMITTAL TO FONOFF. SHOESMITH

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